



MEETING OF THE  
COUNCIL OF THE BOROUGH OF MELTON

PARKSIDE, STATION APPROACH, BURTON STREET, MELTON MOWBRAY

14 OCTOBER 2015

PRESENT

Councillor J. Douglas (Mayor)  
P.M. Baguley, T.S. Bains, T. Beaken, G.E. Botterill, P.M. Chandler,  
T. Culley, P. Cumbers, R. de Burle, P. Faulkner, M. Glancy,  
M.C.R. Graham MBE, T. Greenow, L. Higgins,  
E. Holmes, E. Hutchison, J. Illingworth, S. Lumley,  
V. Manderson, J.T. Orson, A. Pearson, P.M. Posnett, J.B. Rhodes,  
J. Simpson, D.R. Wright, J. Wyatt

Chief Executive, Strategic Director (KA),  
Head of Communications & Monitoring Officer  
Democracy & Involvement Officer

Deputy Young Mayor (Rebecca Smedley)  
Dr. John Cade, Chairman of the Welland Partnership Independent Remuneration Panel

The Reverend Kevin Ashby offered prayers

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CO33. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Hurrell, and Sheldon.

CO34. MINUTES

The minutes of the Meeting of the Council held on 22 July 2015 were confirmed and authorised to be signed by the Mayor.

The minutes of the Extraordinary Meeting of the Council held on 24 September 2015 were confirmed and authorised to be signed by the Mayor.

### CO35. DECLARATIONS OF INTEREST

Councillors Orson, Pearson, Posnett and Rhodes each declared a personal interest in any matters relating to the Leicestershire County Council due to their roles as County Councillors.

Councillor Faulkner declared a personal and pecuniary interest in minute R.19 of the REEA Committee minutes dated 2 September 2015 concerning Taxi Licensing Fees which arose from his employment as a taxi driver.

Councillor Holmes declared a personal and pecuniary interest in any matters relating to the Melton Local Plan due to possible land ownership and would leave the meeting if this issued was discussed.

### CO36. MAYOR'S ANNOUNCEMENTS

The Mayor

(a) referred to the busy summer months of June and July for Mayoral engagements and had taken the opportunity of a quieter August to recuperate as September and October were equally busy. The Mayor stated how much she was enjoying the role and was now concentrating on raising funds for her charities and commended Mr Michael Cooke for being an excellent mentor and advisor;

(b) mentioned the Mayor's Awards which she wanted to reinvigorate and advised that the presentation ceremony would not necessarily be held next year at the council offices as part of the council meeting;

(c) highlighted a number of events she had attended, particularly the number that took place in the town. She said the Mayor was always made very welcome and organisers were particularly appreciative if the Mayor made a speech;

(d) mentioned her recent attendance at the National Sheep Association's Ram Sale which had been a good opportunity to speak with local farmers. The Mayor was particularly keen to raise the profile of the Mayor in the villages and parishes of the Borough;

(e) concluded by mentioning other key events she had officiated at such as Merchant Navy Day on 3 September which had been well attended and covered by the local press. It was anticipated that a visit from the twin town of Sochaczew would take place in early December and that the proposed Right of Passage Parade for HMS Quorn would be in the Spring. The Mayor thanked the Deputy Mayor for his continuing support and listed recent events he had attended on her behalf.

The Deputy Young Mayor then gave apologies for absence from the Young Mayor who had asked her to mention her recent visit to the Warning Zone event in

Leicester. This was an interactive learning centre for young people and the Young Mayor had found it very informative and impressive.

The Deputy Young Mayor then reported on her recent activities which had included the opening of a new facility for 11 to 17 year olds to meet at Phoenix House. She had also attended the Conservative Party Conference in Manchester and had met with members of the Youth Parliament and other Young Mayors. It had been interesting to see what they were doing in other areas. The Deputy Mayor said she was sad to be coming to the end of her year of office. The Council joined the Mayor in wishing both Tara and Rebecca well in their future studies and careers.

### CO37. LEADER'S ANNOUNCEMENTS

The Leader, Councillor Rhodes, said he had two major issues to bring to the attention of the Council:

(a) Business Rates: 50% of business rates had been devolved to local councils some years ago with the remainder being sent to the Treasury who return some but not all of it in the form of grants. The main grants received by Melton Borough were in the form of Rate Support Grant and the New Homes Bonus which together accounted for £1.8M in 2015/16. The retained business rates provided £1.1M. Last week the Chancellor had announced that local councils would retain all business rates by the end of the decade. Rate Support Grant would be abolished and additional powers and responsibilities would be devolved to councils. No mention had been made about the New Homes Bonus which was due to be withdrawn progressively from 2016 anyway. Members were advised that what this meant for Melton was very uncertain but officers were working on modelling various scenarios. More would not be known until the results of the Comprehensive Spending Review was announced on 25 November and then all detail contained within that may not be known until the settlement came out before Christmas. The Leader warned that these were very uncertain times for local government finance and this council would not be immune. It was therefore essential that every proposal to spend money must be questioned to ensure that nothing was wasted;

(b) Housing and Planning policy – two key announcements: the definition of Affordable Housing was being changed to include low cost houses built for people to buy at a discount. This was a further measure to encourage house building especially for people seeking to get on the housing ladder. Secondly, the Prime Minister had recently announced that councils that did not have a Local Plan by 2017 would lose their planning powers and the Government would send in planners to work directly with local people to produce one. The Leader emphasised the message from these two announcements was that Melton Borough Council must press on to finish the Local Plan as soon as possible and that objectors to new housing would have to come to terms with the reality that the country and this borough needed to build more houses soon to meet the current and growing shortage.

In conclusion, the Leader referred to the Deputy Young Mayor's attendance at the Conservative Party Conference the previous week where she had encountered the hostile and intemperate behaviour of left wing protestors outside the conference cordon. She had also been in the audience of the BBC programme Question Time and had spoken on national television about her experiences. He highly commended Rebecca for her courage in standing up for decent behaviour in the face of intimidation from the protestors.

#### CO38. PUBLIC QUESTION TIME

There were no questions received.

#### CO39. PETITIONS

There were no petitions received.

#### CO40. RECOMMENDATIONS AND REPORTS FROM COMMITTEES

##### **Governance Committee: 28 September 2015 – Minute G.31 Constitution Update**

Councillor Chandler moved the recommended updates to the 2015/16 Constitution as set out in the Order Paper circulated at the meeting. The motion was seconded by Councillor Manderson

Following a vote, it was unanimously

**RESOLVED:** That the new design of the Committee Structure diagram as set out in Appendix A to the report submitted to the Governance Committee on 28 September 2015 be adopted for inclusion within the Constitution.

#### CO41. QUESTIONS FROM MEMBERS

(a) In accordance with Procedure Rule 10.1, the Chairmen of Committees were to respond to any questions upon items of reports of Committees when those items were received or were under consideration by the Council as follows :-

Planning Committee	16 July 2015
Planning Committee	6 August 2015
Planning Committee	27 August 2015
Rural, Economic & Environmental Affairs Committee	2 September 2015
Community & Social Affairs Committee	16 September 2015
Planning Committee	17 September 2015
Governance Committee	28 September 2015
Policy, Finance & Administration Committee	30 September 2015

(b) It was reported that there were no questions received under Procedure Rule 10.5.

(c) Councillor Higgins referred to the Planning Committee minutes on 16 July 2015, specifically on planning application 15/00150/COU The Fox Inn, Thorpe Satchville where he had spoken as a ward member and representative of his ward. He had not been able to speak again to explain where the community was coming from. The right to buy bid had been refused and the representative group had not attended to present their business case. Councillor Higgins stated there was no point in the legislation which required the presentation of a business case. Councillor Illingworth confirmed Councillor Higgins' comment had been noted.

**RESOLVED:** To note the reports of Committees.

[The Mayor advised the Council that she would now take item 11 on the agenda ahead of the Motion on Notice at item 10 as Mr. Cade was returning to Birmingham by train that evening.]

#### CO42. WELLAND PARTNERSHIP INDEPENDENT REMUNERATION PANEL – REVIEW OF NON ADMINISTRATION GROUP LEADER(S) ALLOWANCE

The Council received Mr John Cade, Chairman of the Independent Remuneration Panel who presented the Panel's report (copies of which had previously been circulated to Members along with the Head of Communications' covering report).

Mr. Cade thanked the Mayor for her consideration but assured Members he was there to answer any questions from Members in full should that be required. In order to provide context, Mr. Cade set out the key issues concerning the current Members' Allowance Scheme in relation to an allowance payable to Non-administration Group Leader(s) and how this review had been triggered by the outcome of the May 2015 Borough Council elections resulting in 26 Conservative Members and 2 Independent Members who had formed an Opposition Group. The Panel was of the view that the responsibility for a chairman of a policy committee was greater than that of an Opposition Group Leader and therefore the allowance payable to the latter should be a proportion of the special responsibility allowance paid to a chairman. Mr. Cade reminded the Council that the quadrennial review of the Members' Allowances would take place next year which would allow the opportunity to see how the Panel's recommendation worked in practice.

Councillor Chandler thanked Mr. Cade and the Panel for their work and moved that the Council's Constitution be amended in accordance with the recommendations set out in the report. The motion was seconded by Councillor Wyatt.

Before moving to the vote, Councillor Orson stated that it was important to have a strong opposition but questioned whether two Members really constituted a group. He asked Mr. Cade if, during its next review, the panel would consider a minimum number of members for a group. Mr. Cade replied that this was not an issue for the panel to consider but for the council to determine; a minimum of two members was considered the norm.

The Chief Executive advised that when the political groups regulations were initially introduced, it did state that a minimum of two members would constitute a group for the purposes of the legislation. However, she undertook to check that this was still the position and confirmed that a report would be made to the Governance Committee in response to Councillor Orson's query.

Councillor Cumbers and Higgins spoke in support of the motion having regard to the importance of supporting democratic principles and the public perception that this is being upheld.

Upon being put to the vote, the motion was unanimously carried.

**RESOLVED:**

(1) to accept the Welland Partnership Independent Remuneration Panel's recommendations as set out below and that the Council's Constitution be amended accordingly:

"Where the Members of the Council are divided into at least two groups constituted in accordance with regulation 8 of the Local Government (Committees and Political Groups) Regulations 1990 a special responsibility allowance shall be paid to the leaders(s) of the political group(s) other than the group containing the Leader of the Council to a maximum of the special responsibility allowance paid to the Policy Committee Chair.

The amount of such allowance for each Leader other than the Leader of the Council shall be calculated by sharing the sum of £3,589 pro rate to the number of Members in each Group excluding the Group containing the Leader of the Council. The main Opposition Group Leader's allowance be augmented by £670.94 per annum.

Where there is just one other Group Leader, besides the Leader of the Council, 50% of the sum of £3,589 be paid, together with the sum of £670.94 per annum to recognise the additional responsibilities undertaken by the Leader of the Opposition since dissolving of the Scrutiny Committee."

(2) that this allowance be revisited in the light of the actual experience of the role when the quadrennial review of the Members' Allowance Scheme is undertaken in 2016;

(3) that the Panel be thanked for its work.

[Mr. Cade here left the meeting.]

**CO43. MOTION ON NOTICE**

The following motion was proposed by Councillor Greenow:

*"Full Council resolves that an amendment be made to the Code of Conduct for Members and Officers dealing with Planning Matters as included in the Constitution, to include a new Para 4.7 as follows:*

*Members should also be aware of the perception that members of the public often expect them to be advocates of their views in a representative capacity. This can be incompatible with the quasi judicial nature of the determination of planning applications and as an interest, although entirely non pecuniary in nature, Members should not participate in decisions that significantly affect, or have raised significant levels of representation (i.e. greater than 10) from their ward. This does not prejudice Members rights to contribute to the decision from the stand point of a Ward Member addressing the Committee under our speaking arrangements for planning committee.”*

In moving the motion, Councillor Greenow said he was seeking to encourage the Council to lead the way. He had brought this motion not in response to any suggestion of wrong doing, nor in reference to any specific cases, and certainly did not imply any slight on any Member, but in response to the public perception of the Planning Committee. The motion also sought to address a perceived inequality. Councillor Greenow told Members that the public saw the planning process in its current form as being able to be influenced by a ward Member on the Planning Committee for political gain. He referred to the existing code of conduct for Members who sat on the Planning Committee but it had been brought to his attention that there was some who perceived that planning applications had been held back until after the May elections so as not to be affected by party politics. Councillor Greenow stressed that he was not saying this did or could happen but it was a perception held by some members of the public. Debate on his motion would give the opportunity to improve the public perception of the planning process.

In seconding the motion, Councillor Bains reserved his right to speak until later in the debate.

The debate opened with clarification being sought on whether the motion was intended to remove the existing paragraph 4.7 in the Code of Conduct to which Councillor Greenow confirmed it would be included as part of paragraph 4.7.

A lengthy debate ensued during which the suggested perception held about ward Members putting forward the ward view and the wider Borough view was challenged. Councillor Greenow was asked what evidence there was to support this. The Chairman of the Planning Committee, Councillor Illingworth, challenged the proposed threshold of greater than 10 in relation to the level of representations received as being an arbitrary number to fetter the ability of a ward Member to speak. It was suggested that the greater the level of public concern about a planning application, the more people should be able to look to their ward Councillor for support and advocacy. The motion before the Council would dilute and diminish the role of a ward Councillor and represented an affront to Planning Committee Members' integrity. Councillor Illingworth stated that he had no knowledge of any applications being delayed as a result of the Borough elections and urged Members to vote against the motion.

In support of the motion, a view was expressed that Councillors should be in touch with the people they represented and accordingly be aware of any wrongly held perception and challenge it. The motion therefore protected Members of the Planning Committee and would not water down their rights to represent their ward. Disappointment was voiced over the motion having regard to the amount of work put in by Members of the Planning Committee; being a member of the committee

was totally different to being a ward member and the Code of Conduct was there to govern the finely balanced process of determining applications in such a way as not to open a Councillor to accusations. By way of example, the Member stated she had never met with an applicant unaccompanied, and with objectors, she had explained that decisions must be taken in accordance with planning policy.

In agreeing with many of the comments made, it was pointed out that there would always be a perception held about Councillors; it was human nature to feel someone had made the wrong decision if it was not the decision they wanted. It was very important to represent the residents of a ward in an impartial way. Councillors were there to represent the interests of the Borough as a whole but that did not mean a Councillor could not vote as their judgement dictated in the interests of their ward or Borough. It was a question of balancing the different views. The fact that the newly elected Councillors had brought a contentious issue to the Council for debate was welcomed and this should not be dismissed or put down.

The issue of inequality between a ward Member who sat on the Planning Committee and one who was not on the committee was then raised. The committee Member did not have the right to come back on an issue and it was suggested that this needed to be addressed. A point was made that any Councillor who served on the Planning Committee took on a very special responsibility to exercise judgment in a quasi judicial way. The Member could take the option of standing down when it came to the vote but could then speak to represent the views of the ward. It was not obligatory and if some felt that the Member was not being objective then the shame was on them not the Planning Committee Members.

Other Members then spoke to express their views on the role and responsibilities placed on a ward Councillor in relation to planning applications and their own personal experiences of sitting on the Planning Committee whether as a new Member or a long serving one. A previous comment was endorsed by a Member who had spoken against the motion but said that this should not discourage the newly elected Members from continuing to question and raise issues.

Councillor Bains then spoke and reiterated Councillor Greenow's point that the motion did not suggest any allegation of specific wrong doing on the part of the Planning Committee Members. He thanked the Planning Committee for its welcome to him as a new Member and re-emphasised that the issue was about the public perception of Members of the Planning Committee – a point he felt had been lost amidst the anger and rancour during the previous Governance Committee debates on the matter. The intention behind the motion was to protect Members and reinforce the principles of openness and transparency. In conclusion, Councillor Bains said he hoped the motion would sow the seeds of long needed change whether it was defeated or not.

Councillor Greenow thanked Members for their contribution to the debate and responded to the points raised by repeating his previous assertion that his motion was not about any suggested lack of integrity on the part of the Planning Committee Members but was a safeguard for them against public perception and a chance to make the process more open and transparent. Councillor Greenow then called for a recorded vote on his motion which was supported by three Members in accordance with Procedure Rule 15.5(a).

A recorded vote was then taken:



<b>Councillor</b>	<b>For</b>	<b>Against</b>	<b>Abstain</b>	<b>Absent</b>
Baguley		√		
Bains	√			
Beaken	√			
Botterill		√		
Chandler		√		
Culley		√		
Cumbers		√		
De Burle		√		
Douglas			√	
Faulkner		√		
Glancy		√		
Graham		√		
Greenow	√			
Higgins	√			
Holmes		√		
Hurrell				√
Hutchison		√		
Illingworth		√		
Lumley		√		
Manderson		√		
Orson	√			
Pearson	√			
Posnett		√		
Rhodes		√		
Sheldon				√
Simpson		√		
Wright		√		
Wyatt		√		
<b>Totals</b>	<b>6</b>	<b>19</b>	<b>1</b>	<b>2</b>

Accordingly, the motion was lost.

There being no further business, the Mayor called the meeting to a close.

The meeting, which commenced at 6.30 p.m., closed at 8.10 p.m.

Mayor